

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

XIAORONG LAN,

Plaintiff,

VS.

UNIVERSITY OF TEXAS AT SAN
ANTONIO,

Defendant.

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CIVIL ACTION NO. SA-22-CV-769-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

The Court has considered the Report and Recommendation of United States Magistrate Judge filed in the above styled and numbered cause on May 21, 2024 (docket #95); Plaintiff's Objection to Recommendation for Summary Judgment and Request for Trial filed May 26, 2024 (docket #97); Defendant the University of Texas San Antonio's Response to Plaintiff's Objections to Report and Recommendation filed June 7, 2024 (docket #98); and Plaintiff's Response to Defendant's Response to Plaintiff's Objection to Recommendation for Summary Judgment and Request for Trial filed June 10, 2024 (docket #99).

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of them. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Memorandum and Recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report or Recommendation to which there are objections requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1987).

In the Report, Magistrate Judge Chestney recommends to this Court that Defendant University of Texas at San Antonio's Motion for Summary Judgment on Plaintiff's only remaining causes of action, claims of national origin discrimination and retaliation under Title VI and Title VII, against Defendant University of Texas at San Antonio (UTSA) be granted and that Plaintiff's Motion for Partial Summary Judgment (docket #67) and Plaintiff's Motion for Summary Judgment (docket #84) be denied.


The Court has reviewed the Plaintiff's objections and conducted a de novo review of those issues raised by the Plaintiff. The Court finds, after careful consideration of the record and the Report and Recommendation, that the objections lack merit. The Court hereby accepts, approves, and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation (docket #95), incorporates herein the arguments and authorities presented by the Defendant UTSA in Defendant the University of Texas San Antonio's Response to Plaintiff's Objections to Report and Recommendation (docket #98), and in its motion for summary judgment (docket #83), and finds the recommendation should be accepted such that Defendant University of Texas at San Antonio's Motion for Summary Judgment (docket #83) shall be GRANTED; Plaintiff's Motion for Partial Summary Judgment (docket #67) and Plaintiff's Motion for Summary Judgment (docket #84) shall be DENIED; and this case shall be DISMISSED.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge, filed in this case on May 21, 2024 (docket #95), is ACCEPTED such that Defendant University of Texas at San Antonio's Motion for Summary Judgment (docket #83) is GRANTED; Plaintiff's Motion for Partial Summary Judgment (docket #67) and Plaintiff's Motion for Summary Judgment (docket #84) are DENIED; and this case is DISMISSED WITH PREJUDICE as all claims have now been disposed of by the Court.

IT IS FURTHER ORDERED that motions pending, if any, are also DISMISSED, and this case is now CLOSED.

It is so ORDERED.

SIGNED this 30th day of June, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE